

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAWN SURETTE,

Plaintiff,

v.

BANK OF AMERICA, N.A., FANNIE
MAE and MARINOSCI LAW GROUP, PC,

Defendants.

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C.A. NO. 1:20-cv-10462-MPK

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Bank of America, N.A. ("BANA") and Federal National Mortgage Association, improperly sued as Fannie Mae ("Fannie Mae," and collectively with BANA, "Defendants"), by and through their undersigned counsel, respectfully request that the Court dismiss in its entirety the Amended Complaint (the "Amended Complaint") filed by Plaintiff Dawn Surette ("Plaintiff"), for failure, as a matter of law, to state any cognizable claim for relief. Because none of Plaintiff's claims can survive Rule 12(b)(6) scrutiny, the Court should dismiss the Amended Complaint in its entirety, with prejudice. A memorandum of law in support of Defendants' motion is being concurrently filed contemporaneously herewith.

Dated: March 13, 2020

Respectfully submitted,

BANK OF AMERICA, N.A. AND
FEDERAL NATIONAL MORTGAGE
ASSOCIATION

/s/ Justin J. Shireman

Justin J. Shireman (BBO #670489)
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
260 Franklin Street, 14th Floor
Boston, MA 02110
(617) 422-5300
Justin.Shireman@wilsonelser.com

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2020, I have caused the within Motion to Dismiss to be filed with the Court via the ECF filing system. As such, this document will be electronically sent to the registered participants as identified on the Notice of Electronic Filing (NEF). I have also caused a hard copy to be served via first-class mail, postage prepaid to:

Glenn F. Russell, Jr., Esq.
38 Rock Street, Suite #12
Fall River, MA 02720
Counsel for Plaintiff

Daniel J. Lailer/Brian Kiser
Marinosci Law Group, P.C.
275 West Natick Road
Suite 500
Warwick, RI 02886

/s/ Justin J. Shireman
Justin J. Shireman